

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

RALPH HALL,

Plaintiff,

-v-

ANTHONY ANNUCCI, ET AL.,

Defendants.

No. 19-cv-05521 (KMK)

ORDER DENYING MOTION TO
VACATE

KENNETH M. KARAS, United States District Judge:

On March 15, 2024, Plaintiff Ralph Hall (“Plaintiff”) filed a Motion to Vacate the Court’s August 20, 2022 Summary Judgment Order “by Independent Action” (the “First Motion”). (Dkt. Nos. 209–12.) In a Memo Endorsed Order issued on April 29, 2024, the Court noted Plaintiff had filed a Notice of Appeal in which he appealed the Court’s denials of his motions pursuant to Federal Rule of Civil Procedure 60 for relief from that same summary judgment order. (Dkt. No. 216 (citing Dkt. No. 207).) Because “the filing of the notice of appeal confers jurisdiction on the court of appeals and divests the district court of its control over those aspects of the case involved in the appeal,” *United States v. Jacques*, 6 F.4th 337, 342 (2d Cir. 2021), the Court concluded it lacked jurisdiction to vacate the challenged order and judgment and accordingly, denied Plaintiff’s First Motion, (Dkt. No. 216 (citing *Caldwell v. City of New York*, No. 21-CV-6560, 2024 WL 1586695, at *1 (S.D.N.Y. Apr. 11, 2024))).

On October 18, 2024, Plaintiff filed another Motion to Vacate the Court’s Summary’s Judgment Order “by Independent Action” (the “Instant Motion”). (Dkt. No. 218.) For purposes of this Order, the Court will construe the Instant Motion as a motion for reconsideration.

As of the date of this Order, Plaintiff's appeal is still pending in front of the Second Circuit. (*See* Dkt. No. 217; Second Circuit Dkt. No. 24-565.) Thus, the Court still lacks jurisdiction to vacate the challenged order and judgment. *Caldwell*, 2024 WL 1586695, at *1. In any event, even if this Court retained jurisdiction over Plaintiff's case, the Instant Motion is untimely. *See* L. Civ. R. 6.3 ("Unless otherwise provided by the court or by statute or rule (such as Fed. R. Civ. P. 50, 52, and 59), a notice of motion for reconsideration must be served within 14 days after the entry of the court's order being challenged."). Moreover, it is meritless. (*See* Dkt. No. 197 (denying Plaintiff's previous motion for reconsideration and noting that the Second Circuit has already once affirmed this Court's decision granting summary judgment to Defendants)).

Accordingly, Plaintiff's Instant Motion is hereby DENIED. The Clerk of Court is respectfully asked to terminate the pending Motion, (*see* Dkt. No. 218), and to mail a copy of this Order to Plaintiff.

SO ORDERED.

DATED: October 22, 2024
White Plains, New York



KENNETH M. KARAS
UNITED STATES DISTRICT JUDGE